SUPREME COURT, U. S.

APR 7 1967

JOHN F. DAVIS, CLERK

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1966.

No. 937.

HOLDEN BROWN, GEORGE HOUSE and
GEORGE WOLFF et al.,
Petitioners,

vs.

STERLING ALUMINUM PRODUCTS CORPORATION,
a Missouri Corporation,
Respondent.

PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

JEROME J. DUFF,
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314—MAin 1-3833,
Attorney for Petitioners.

ST. LOUIS LAW PRINTING CO., INC., 411-15 N. Eighth St., 63101. CEntral 1-4477.

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The petitioners herein pray this Court to grant a rehearing of its order of March 13th, 1967, denying a writ of certiorari, 87 S. Ct. 1023 (1967). Petitioners further pray that a writ of certiorari issue to review the judgment of the Court of Appeals for the Eighth Circuit as prayed in the petition for certiorari.

REASONS FOR GRANTING REHEARING AND ISSUING THE WRIT.

Circumstances of substantial and controlling effect have arisen during the time that the petition for writ of certiorari herein was pending. The decision and majority

opinion of this Court entered on February 27th, 1967, in the case of Vaca v. Sipes, 87 S. Ct. 903 (1967), thoroughly, favorably and affirmatively answers every question presented for determination by these petitioners. The ruling of the Eighth Circuit Court of Appeals in this case is now in direct conflict with this Court's opinion in Vaca v. Sipes (supra).

This case was cited "CF." in the Vaca v. Sipes opinion by Justice Fortas "concurring in the result" with the majority opinion (87 S. Ct. at 922, footnote No. 3).[1] Petitioners urge the grant of rehearing in order to bring a determination of the issues raised herein into conformity with this Court's mandate in Vaca v. Sipes and thereby restore uniformity to the federal common law of labor relations.

CONCLUSION.

For the reasons set forth herein and in the petition for writ of certiorari it is respectfully urged that rehearing be granted and that, upon such re-hearing, a writ of certiorari issue to the Court of Appeals for the Eighth Circuit.

Respectfully submitted,

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JEROME J. DUFF,
Counsel for Petitioners.

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[1] Petitioners point out that this citation has consistently erroneously identified this case as "No. 946, O. T. 1966". This case is No. 937, O. T. 1966. The erroneous designation of No. 946 identifies the companion case to the instant case styled Woody, et al., v. Sterling Company and Unions, etc. A petition for rehearing, virtually identical to this petition, is being simultaneously filed in the Woody v. Sterling Co. and Unions case. Petitioners urge simultaneous consideration of both petitions in the light of the Vaca v. Sipes opinion.

Certificate of Counsel.

I hereby certify that the foregoing petition for rehearing is presented in good faith and not for delay and is restricted to grounds specified in Rule 58 of the rules of this Court.

.....

Jerome J. Duff,
Counsel for Petitioners.

Certificate of Service.

State of Missouri, }
City of St. Louis. } ss.

I, Jerome J. Duff, of counsel for the Petitioners herein and attorney of record for the Petitioners in the Court below, depose that on the 6th day of April, 1967, I served four copies of the foregoing Petition for Rehearing on the Respondents as required by Rule 33, Paragraph 1, by personally mailing said copies hereof to Mr. William Stix, Attorney of Record for Respondent Company, 408 Pine Street, St. Louis, Missouri 63101.

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Jerome J. Duff.

Subscribed and sworn to before me at St. Louis, Missouri, on this 6th day of April, 1967.

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Notary Public.

My Commission Expires:

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